



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Patent Cooperation Treaty
Legal Office

#3

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

23 NOV 1998

Laurence A. Greenberg
LERNER AND GREENBERG, P.A.
P.O. Box 2480
Hollywood, Florida 33022-2480

In re Application of :
Angelika SEMSCH, et al. :
Serial No.: 08/930,735 :
PCT No.: PCT/DE97/00187 :
Int. Filing Date: 26 January 1997 :
Priority Date: 27 January 1996 :
For: DEVICE FOR PREVENTING OR :
REDUCING TIPPING OF THE HEAD :

**COMMUNICATION
AND NOTIFICATION OF
ABANDONMENT**

This application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 26 January 1997, applicants filed international application PCT/DE97/00187, which claimed priority of an earlier German application filed 27 January 1996. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 02 October 1997. Accordingly, the twenty month period for paying the basic national fee to enter the national stage in the United States expired at midnight on Monday 29 September 1997.

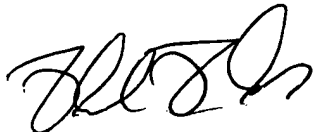
On 30 September 1997, applicants filed a Transmittal Letter for entry into the national stage in the United States under 35 U.S.C. 371. Filed with the Transmittal Letter was, inter alia, an English translation of the description and claims as required by 35 U.S.C. 371(c)(2), an unsigned declaration of the inventors and a check in the amount of \$520.00 to cover the basic national fee for a small entity. No Verified Statement Claiming Small Entity Status was submitted.

On 10 December 1997, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905), to inform applicants that the oath or declaration of the inventors was unsigned and that "NO SMALL ENTITY SUBMITTED. LARGE FEE WILL BE CHARGED TO ACCT".

CONCLUSION

A review of the application file reveals that applicants failed to enter the national stage in the United States by paying the full basic national fee as required under 35 U.S.C. 371(c)(1) by the expiration of 20 months from the priority date of 27 January 1996, which period expires at midnight on Monday 29 September 1997. Additionally, the papers filed 30 September 1997 did not include a Small Entity Statement or an authorization to charge additional fees, therefore, the application would be held abandoned even if it was timely filed. For the above-noted reasons, the Notification of Missing Requirements of 10 December 1997 was mailed in error and is hereby VACATED. International application PCT/DE97/00187 is ABANDONED as to the national stage in the United States as of midnight on 29 September 1997.

The application is being returned to the DO/EO/US for disposition as an abandoned file.



Richard Cole
PCT Legal Examiner
PCT Legal Office

NNH/RC:hn



Nguyễn Ngọc-Hồ
Paralegal Specialist
PCT Legal Office

Tel: (703) 308-6508